

## REMARKS

Reconsideration of this application in light of the amendments and remarks is respectfully requested.

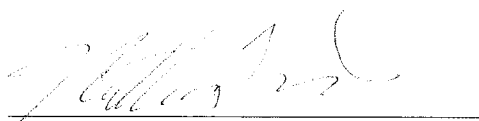
Applicants request entry of the attached Declaration, which was previously submitted on April 14, 2010. This Declaration should be entered, because, as explained below, there are good and sufficient reasons why the Declaration is necessary and was not earlier presented.

In the Office Action of August 7, 2009, the Examiner alleged that the terpolymer of ethylene, propylene, and diene (ethylidenenorbornene or hexa-1,4-diene) of Bruck was ethylene propylene polymer. Applicants rebutted this argument in their response to that Office Action. This argument and element of the claim was ignored in the Final Office Action. Only in the Advisory Action of March 19, 2010, did the Examiner respond to this argument and allege that the terpolymer of ethylene, propylene, and diene (ethylidenenorbornene or hexa-1,4-diene) polymer was a thermoplastic rubber. In response to this, Applicants promptly filed the Declaration on April 14, 2010. Applicants could not have anticipated that this would be an issue any earlier in prosecution.

Accordingly, Applicants have met their burden for showing why the Declaration is necessary and was not earlier presented. Thus, Applicants request that the Declaration be entered.

Respectfully submitted,

4/29/10



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